

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

WESTERN DIVISION

UNITED STATES OF AMERICA,  Plaintiff,  v.  KIMBERLEE PITAWANAKWAT,  Defendant.	5:20-CR-50122  <b>DEFENDANT'S MOTION TO SUPPRESS EVIDENCE AND STATEMENTS</b>
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COMES NOW Defendant, Kimberlee Pitawanakwat, by and through her Counsel, Jonathan P. McCoy of Costello, Porter, Hill, Heisterkamp, Bushnell & Carpenter, LLP, pursuant to Fed. R. Crim. P. 12(b), and moves this Honorable Court for its order to suppress evidence and statements.

Defendant asserts that the interview by Investigator Puckett was unlawful and in violation of the Fifth Amendment to the Constitution of the United States. Therefore, the statements and evidence obtained as a result of the unlawful interview must be suppressed, as taken in violation of her rights under the Fifth Amendment and *Miranda v. Arizona*, 384 U.S. 436 (1966).

A memorandum in support of this motion is filed contemporaneously herewith and incorporated herein by this reference. The Defense requests a hearing be held to further present testimony in support of this motion.

WHEREFORE, Defendant prays this Court for its order suppressing evidence and statements. Alternatively, Defendant prays the Court for an evidentiary hearing to hear further testimony on the issues.

Dated this 16<sup>th</sup> day of February 2021.

**COSTELLO, PORTER, HILL, HEISTERKAMP,  
BUSHNELL & CARPENTER, LLP**

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